

## § 151.08

## 33 CFR Ch. I (7–1–08 Edition)

amended (33 U.S.C. 1901–1911), this subpart, or MARPOL 73/78.

[CGD 88–002, 54 FR 18404, Apr. 28, 1989, as amended by CGD 88–002A, 55 FR 18582, May 2, 1990; USCG–2006–25556, 72 FR 36328, July 2, 2007]

### § 151.08 Denial of entry.

(a) Unless a ship is entering under force majeure, no oceangoing tanker or any other oceangoing ship of 400 gross tons or more required by §151.10 to retain oil, oil residue, or oily mixtures on board while at sea, and no oceangoing ship carrying a Category A, B, or C NLS cargo or NLS residue in cargo tanks that are required to be prewashed under 46 CFR Part 153, may enter any port or terminal under §158.110(a) of this chapter unless the port or terminal has a Certificate of Adequacy, as defined in §158.120 of this chapter.

(b) A COTP may deny the entry of a ship to a port or terminal under §158.110(b) if—

(1) The port or terminal does not have a Certificate of Adequacy, as required in §158.135 of this chapter; or

(2) The port or terminal is not in compliance with the requirements of Subpart D of Part 158.

[CGD 88–002, 54 FR 18404, Apr. 28, 1989, as amended by USCG–2000–7641, 66 FR 55570, Nov. 2, 2001]

### OIL POLLUTION

SOURCE: Sections 151.09 through 151.25 appear by CGD 75–124a, 48 FR 45709, Oct. 6, 1983, unless otherwise noted.

### § 151.09 Applicability.

(a) Except as provided in paragraph (b) of this section, §§151.09 through 151.25 apply to each ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three nautical miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost bound-

ary of the territorial sea of the United States as defined in §2.22(a)(2) of this chapter; or

(5) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) Sections 151.09 through 151.25 do not apply to—

(1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in noncommercial service;

(2) A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters;

(3) A Canadian or U.S. ship being operated exclusively on the internal waters of the United States and Canada; or

(4) Any other ship specifically excluded by MARPOL 73/78.

(c) Sections 151.26 through 151.28 apply to each United States oceangoing ship specified in paragraphs (a)(1) through (a)(4) of this section which is—

(1) An oil tanker of 150 gross tons and above or other ship of 400 gross tons and above; or

(2) A fixed or floating drilling rig or other platform, when not engaged in the exploration, exploitation, or associated offshore processing of seabed mineral resources.

(d) Sections 151.26 through 151.28 do not apply to—

(1) The ships specified in paragraph (b) of this section;

(2) Any barge or other ship which is constructed or operated in such a manner that no oil in any form can be carried aboard.

(e) Section 151.26(b)(5) applies to all vessels subject to the jurisdiction of the United States and operating in Antarctica.

NOTE TO §151.09(c)(3): The term “internal waters” is defined in §2.24 of this chapter.

[CGD 88–002, 54 FR 18404, Apr. 28, 1989, as amended by CGD 88–002A, 55 FR 18582, May 2, 1990; CGD 93–030, 59 FR 51338, Oct. 7, 1994; CGD 97–015, 62 FR 18045, Apr. 14, 1997; USCG–2006–25150, 71 FR 39209, July 12, 2006; USCG–2007–27887, 72 FR 45904, Aug. 16, 2007; USCG–2008–0179, 73 FR 35013, June 19, 2008]